

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

Civil Action No. 06 CV 3620 (CBA)

-against-

**DECLARATION OF
ERIC PROSHANSKY**

MILHELM ATTEA & BROS., INC., DAY
WHOLESALE, INC., GUTLOVE & SHIRVINT, INC.,
MAURO PENNISI, INC., JACOB KERN & SONS, INC.,
WINDWARD TOBACCO, INC. and CAPITAL CANDY
COMPANY, INC.

Defendants.

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Eric Proshansky, an attorney duly admitted to practice before the courts of the State of New York and this Court, hereby declares under penalty of perjury:

1. I am an assistant corporation counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York ("the City"), attorney for the plaintiff in this action. I make this declaration in support of the City's motion for a preliminary injunction. I am fully familiar with the facts of this case.

2. Annexed hereto as Exhibit 1 is a true and correct copy of the Indictment, dated September 22, 1999, in *United States of America v. Kaid*, 99-cr-131 (W.D.N.Y).

3. Annexed hereto as Ex. 2 is a true and correct copy of the Criminal Complaint, dated September 19, 2008, and the attachments thereto, in *United States of America v. Rita Roosa*, 09-cr-515 (D.N.J.), PACER Doc. No. 1.

4. Annexed hereto as Ex. 3 is a true and correct copy of the Criminal Information, filed July 7, 2009, to which the defendant pled guilty, in *United States of America v. Rita Roosa*, 09-cr-515 (D.N.J.), PACER Doc. No. 28.

5. Annexed hereto as Ex. 4 is a true and correct copy of the Declaration of Thomas Moll, dated June 30, 2010, filed in *Seneca Free Trade Ass'n v. Holder*, 10-cv-550A (W.D.N.Y.), PACER Doc. No. 7.

6. Annexed hereto as Ex. 5 is a true and correct copy of the Complaint of Red Earth LLC d/b/a Seneca Smokeshop and Aaron J. Pierce, dated June 25, 2010, filed in *Red Earth LLC d/b/a Seneca Smokeshop v. United States of America*, 10-cr-530A (W.D.N.Y.), PACER Doc. No. 1).

Dated: New York, New York
January 14, 2011



ERIC PROSHANSKY (EP 1777)